

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Dwayne Handy,

Plaintiff,

v.

City of Philadelphia, et al,

Defendants.

CIVIL ACTION
NO. 24-1905

ORDER

AND NOW, this 26th day of September 2024, upon consideration of the Motion to Dismiss filed by Gregory Singleton and Ohmarr Jenkins (ECF No. 11), and Plaintiff's Response (ECF No. 20), it is **ORDERED** that the Motion is **GRANTED in part** and **DENIED in part**:

1. Plaintiff's claims under 42 U.S.C. § 1983 against both Defendants for Fourth Amendment malicious prosecution, fabrication of evidence, violation of Plaintiff's right against self-incrimination, civil-rights conspiracy, and failure to intervene to prevent false arrest and false imprisonment; his claim against Singleton for withholding evidence; and his claims against both Defendants for malicious prosecution under Pennsylvania law are **DISMISSED without prejudice**.
2. Plaintiff's claims under 42 U.S.C. § 1983 against both Defendants for Fourteenth Amendment malicious prosecution, inadequate investigation, and failure to intervene to prevent malicious prosecution and deprivation of liberty are **DISMISSED with prejudice**.
3. Plaintiff may amend his Complaint, consistent with the accompanying Memorandum, on or before October 26, 2024.

BY THE COURT:

/s/ Gerald J. Pappert
Gerald J. Pappert, J.